

COPY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

* * * * *

PAUL DORR and ALEXANDER DORR, * File No. 5:08-CV-04093
individually and on behalf of all
other persons similarly situated, *

Plaintiffs, *

vs. *

DEPOSITION OF

DOUGLAS L. WEBER, individually and * PAUL R. DORR
in his capacity as Sheriff, and his
successors, the OSCEOLA COUNTY *
SHERIFF'S DEPARTMENT, IOWA, and
OSCEOLA COUNTY, IOWA, *

Defendants. *

* * * * *

The deposition of Paul R. Dorr was taken on behalf of the
Defendants at the Osceola County Courthouse in Sibley, Iowa
on Monday, November 30, 2009 commencing at 3:35 p.m.

APPEARANCES

For the Plaintiffs: MR. VINCENT J. FAHNLANDER
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For the Defendants: MR. DOUGLAS L. PHILLIPS
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Other Appearances: Douglas L. Weber

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Deposition of Paul R. Dorr
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<p>1 INDEX</p> <p>2 Examination Page</p> <p>3 Direct By Mr. Phillips 3</p> <p>4 Certificate of Reporter 49</p> <p>5 SEPARATE INDEX TO EXHIBITS</p> <p>6 No. Description Pages Referred To</p> <p>7 8 CLASS Action First Banded 11,33,44</p> <p>8 Complaint</p> <p>9 Transcript of Conversation Between 22</p> <p>10 Paul Dorr and Sheriff Doug Reber</p> <p>11 dated 8/9/07</p> <p>12 STIPULATION</p> <p>13 IT IS STIPULATED and agreed by and between the parties</p> <p>14 hereto by their respective counsel of record, whose</p> <p>15 appearances have been hereinbefore noted, that the</p> <p>16 deposition of PAUL R. DORR may be taken at the Osceola</p> <p>17 County Courthouse on November 30, 2009 before Jenna L. Mumm,</p> <p>18 Certified Shorthand Reporter for the State of Iowa;</p> <p>19 That said deposition is taken for the purpose of</p> <p>20 discovery or for such use at trial as permitted under the</p> <p>21 Federal Rules of Civil Procedure or for each of said</p> <p>22 purposes;</p> <p>23 That all objections may be reserved until the time of</p> <p>24 trial except objections relating to the form of the question</p> <p>25 and the responsiveness of the answer.</p>	<p>1 SON.</p> <p>2 A Matthew.</p> <p>3 Q How old is ?</p> <p>4 A 16.</p> <p>5 Q How old is Benjamin?</p> <p>6 A 18. I'm foggy, but somewhere, yes. With that many</p> <p>7 it's hard to keep track.</p> <p>8 Q How old is Alexander?</p> <p>9 A He's 19.</p> <p>10 Q How old is Emily?</p> <p>11 A 21.</p> <p>12 Q How old is</p> <p>13 A 11, I'm estimating.</p> <p>14 Q How old is ?</p> <p>15 A 9.</p> <p>16 Q How old is ?</p> <p>17 A 8-- 8 or 7. I think she's 8.</p> <p>18 Q Did I miss any of your kids?</p> <p>19 A</p> <p>20 Q You're married to Debra?</p> <p>21 A Correct.</p> <p>22 Q Is that your only marriage?</p> <p>23 A Yes.</p> <p>24 Q How long have you and Debra been married?</p> <p>25 A Since 1975, which makes it 34 years.</p>
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<p>1 PROCEEDINGS</p> <p>2 PAUL R. DORR</p> <p>3 having been duly sworn, was examined and testified as</p> <p>4 follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. PHILLIPS:</p> <p>7 Q Please tell me your name.</p> <p>8 A Paul Robert Dorr.</p> <p>9 Q You ever given a deposition before?</p> <p>10 A No, sir, I haven't.</p> <p>11 Q How old are you?</p> <p>12 A 53.</p> <p>13 Q When were you born?</p> <p>14 A</p> <p>15 Q What is your residential address?</p> <p>16 A</p> <p>17 Q Is that in Osceola County?</p> <p>18 A Correct.</p> <p>19 Q How long have you lived at that address?</p> <p>20 A Since 1980.</p> <p>21 Q Who currently lives there with you?</p> <p>22 A My wife, Debra, and my daughter Emily, my sons</p> <p>23 Alexander, Benjamin and my daughters.</p> <p>24</p> <p>25 Q</p>	<p>1 Q Are any of your children married?</p> <p>2 A Yes.</p> <p>3 Q Which ones?</p> <p>4 A Aaron, Christopher and Julia.</p> <p>5 Q What is Aaron's married name?</p> <p>6 A Aaron Dorr.</p> <p>7 Q She kept her maiden name?</p> <p>8 A I didn't understand the question.</p> <p>9 Q She kept her maiden name?</p> <p>10 MR. FAHNLANDER: He's a boy, I think.</p> <p>11 Q (BY MR. PHILLIPS) Oh, I'm sorry.</p> <p>12 A Aaron's a male, A-a-r-o-n.</p> <p>13 Q My mistake. Where does Aaron live?</p> <p>14 A In Allendorf, Iowa in Osceola County.</p> <p>15 Q What's his wife's name?</p> <p>16 A Kristin.</p> <p>17 Q Where does Christopher live?</p> <p>18 A In May City, Iowa.</p> <p>19 Q His wife's name?</p> <p>20 A Lydia.</p> <p>21 Q Where does Julia live?</p> <p>22 A In Wellsburg, Iowa.</p> <p>23 Q Where is that?</p> <p>24 A Grundy County, west of Waterloo.</p> <p>25 Q What's her husband's name?</p>

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<p>Page 6</p> <p>1 A Edwin Sents, S-e-n-t-s. 2 Q Are those all of your children? 3 A If there's 11 there, yeah. 4 Q I come up with 11. Do you have-- other than-- than the 5 children you just identified and wife, do you have adult 6 relatives in northwest Iowa? 7 A Adult relatives in northwest Iowa. On my side I have a 8 brother, John Dorr, who lives in Marcus. 9 Q Any others on your side? 10 A I have some cousins. 11 Q Are their names Dorr? 12 A Yes. 13 Q Any adult relatives on your side who are not named 14 Dorr? 15 A I lost track of some of my cousins. There may be some 16 females that are married that I don't know now, but I-- I 17 don't believe there are. 18 Q Is Debra from northwest Iowa? 19 A Yes. 20 Q What's her maiden name? 21 A Altena, A-l-t-e-n-a. 22 Q Does she have family in northwest Iowa-- 23 A Yes. 24 Q -- other than by the name of Altena? 25 A She has two married sisters living in Sioux County.</p>	<p>Page 8</p> <p>1 A I'm self-employed. 2 Q Doing what? 3 A I need to back up back-- I didn't personally sue 4 anybody, but as an officer of the bank in Ocheyedan we had 5 to sue for foreclosures and so forth, but not personally. 6 Q I understand. Self-employed doing what? 7 A Political consultant-- political campaign consultant, 8 to be precise. 9 Q What does a political campaign consultant do? 10 A He gets hired when ballot issues are put on the ballot 11 primarily to represent one side of the question and help 12 them do the research, develop their message, get it out to 13 the voters. That's my primary task, but I also get hired 14 sometimes unilaterally just to do tax research, financial 15 research on government bodies. Then I've also been-- for 16 about nine months I was a state field director for a 17 presidential campaign. 18 Q What campaign? 19 A The Ron Paul presidential campaign in 2007/08 here in 20 Iowa, and in other states I was employed by them. 21 Q How long have you been a political campaign consultant? 22 A I would think going on close to nine to ten years. 23 Somewhere in '99-- 2000, I think, I started it up full-time. 24 Q Do you provide your consultation in the form of some 25 business?</p>
<p>Page 7</p> <p>1 Q What are their married names? 2 A Carcy DeBoer, C-a-r-c-y D-e-B-o-e-r, and LeAnn Franken. 3 Q Any other family on your wife's side in northwest Iowa 4 that you can recall? 5 A That's all of her immediate siblings, and their parents 6 live in-- in-- Leroy Altena lives in Maurice, Iowa, but 7 other than that-- she has cousins, but... 8 Q Where did you go to high school? 9 A Unity Christian High School in Orange City. 10 Q When did you graduate? 11 A 1974. 12 Q Any formal education after that? 13 A Two years at Dordt College in Sioux Center, and then 14 transferred in the summer of '75-- summer of '75-- '76, 15 summer of '76, to Iowa State University where we then 16 graduated in the fall of '78. Iowa State was on a quarter 17 system back then, so we could finish right around Christmas. 18 Q Any formal education after you finished at Iowa State? 19 A No. 20 Q Other than in this case have you ever sued anyone 21 before? 22 A No. 23 Q Have you ever been sued before? 24 A Not that I can recall, no. 25 Q Where are you employed?</p>	<p>Page 9</p> <p>1 A Yes. 2 Q What is the name of that business? 3 A Copperhead Consulting Services. 4 Q Does Copperhead Consulting Services offer services 5 other than the type that you just described? 6 A That's generally it. I can't think of anything else 7 I've done. 8 Q What individuals, groups or associations has it 9 supported in the last ten years? 10 A Supported-- 11 Q Yes. 12 A -- or employed by? 13 Q Consulted for. 14 A Like 60 different campaign committees throughout the 15 upper midwest. I couldn't recall them all now, but various 16 local ballot committees in six states. 17 Q What states? 18 A Iowa, Minnesota, South Dakota, Nebraska, Missouri and 19 Texas. Is that six? 20 MR. FAHNLANDER: Uh-huh (yes). 21 Q (BY MR. PHILLIPS) Is Copperhead incorporated? 22 A No. 23 Q What form does it take? 24 A That's just a trade name for Paul Dorr doing business 25 as.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q Does Copperhead have employees?</p> <p>2 A No, not full-- not full-time. On occasion I'll hire my</p> <p>3 kids to do, you know, little independent projects here and</p> <p>4 there, but no full or even part-time employees.</p> <p>5 Q What did you do before you started Copperhead?</p> <p>6 A I was the head of a pro-life ministry called Rescue the</p> <p>7 Perishing from about 1988 to 2000 supported by donors across</p> <p>8 the midwest.</p> <p>9 Q Was Rescue the Perishing incorporated?</p> <p>10 A No.</p> <p>11 Q Was it a d/b/a for someone?</p> <p>12 A Yes, myself.</p> <p>13 Q What did you do before Rescue the Perishing?</p> <p>14 A I was the owner of a private corporation called Bank</p> <p>15 Loan Management and I provided bank consulting services for</p> <p>16 four or five years to bankers and law firms in Iowa and</p> <p>17 Nebraska that were having troubled banks or bank stock</p> <p>18 acquisitions, those sort of things.</p> <p>19 Q What is your degree at Iowa State?</p> <p>20 A Ag business.</p> <p>21 Q What did you do before Bank Loan Management?</p> <p>22 A Vice president of the Ocheyedan Savings Bank in</p> <p>23 Ocheyedan.</p> <p>24 Q How long were you the vice president of that bank?</p> <p>25 A For four years.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q 8?</p> <p>2 A 8, paragraph what?</p> <p>3 Q 23 on page 6.</p> <p>4 A "Dorr is a community activist engaged in public</p> <p>5 discourse regarding issues some citizens would characterize</p> <p>6 as controversial."</p> <p>7 Q Don't read quite so fast, because if you do--</p> <p>8 A I'm sorry.</p> <p>9 Q -- she can't take it down.</p> <p>10 A I'm sorry.</p> <p>11 Q Tell me what you meant when you allege that you were a</p> <p>12 community activist?</p> <p>13 A That I get involved in issues within communities that</p> <p>14 most often affect the political and economic direction of</p> <p>15 those communities.</p> <p>16 Q Give me an example.</p> <p>17 A The OCTA, working for them to do the research and so</p> <p>18 forth, all the bond fights that I've been involved in,</p> <p>19 again, behind the scenes. I don't-- I don't actively go out</p> <p>20 and put myself into the campaign, but I do the-- the</p> <p>21 research and help develop the message for my client</p> <p>22 committees, but at the same time I have been very much a</p> <p>23 community activist over the years on moral issues, pro-life</p> <p>24 issues, those sort of matters.</p> <p>25 Q Is there some kind of a template that you follow in</p>
<p style="text-align: right;">Page 11</p> <p>1 Q What years are we talking about?</p> <p>2 A 1980 to '84.</p> <p>3 Q Why did you leave the bank?</p> <p>4 A I had sold my half of the interest-- I had bought a</p> <p>5 half-interest in the bank, and the partner and I decided it</p> <p>6 was time to-- we had different management goals and he</p> <p>7 agreed to buy me out.</p> <p>8 Q Who was your partner?</p> <p>9 A Steve Spengler. I-- to clarify that, he and I had a</p> <p>10 contract to purchase the bank from his father, Charles</p> <p>11 Spengler, and when Steve and I decided that the partnership</p> <p>12 wasn't going to work and we couldn't keep paying out his</p> <p>13 father, then we decided to accelerate the contract and his</p> <p>14 father sold as well, and then Steve borrowed the money and</p> <p>15 paid us both out.</p> <p>16 Q Are you a community activist?</p> <p>17 A Better clarify.</p> <p>18 Q I'd better or you'd better?</p> <p>19 A Community activist has certain connotations to it in</p> <p>20 Chicago versus out here in-- am I-- am I active in political</p> <p>21 and economic and those sort of events, yes.</p> <p>22 Q I'm gonna hand you what was previously marked in the</p> <p>23 Weber deposition as Exhibit 8 and refer you to paragraph 23</p> <p>24 on page 6.</p> <p>25 A Which-- which exhibit?</p>	<p style="text-align: right;">Page 13</p> <p>1 developing and communicating a message for a particular</p> <p>2 committee, some method?</p> <p>3 A No, there really isn't. What I start with is public</p> <p>4 records requests and start doing research, and from there I</p> <p>5 help them develop the message.</p> <p>6 Q In that same paragraph 23 you say that you're engaged</p> <p>7 in public discourse. What does that mean?</p> <p>8 A Letters to editors, some situations I do town hall</p> <p>9 speaking. I've been-- done interviews with media. Even</p> <p>10 with the Ron Paul campaign I was authorized to do media</p> <p>11 interviews to a limited extent.</p> <p>12 Q The presidential campaign to which you refer in</p> <p>13 paragraph 26 of your amended complaint, that's the Paul</p> <p>14 campaign?</p> <p>15 A Correct.</p> <p>16 Q In paragraph 27 on page 7 you refer to public debates</p> <p>17 and meetings that you have attended where citizens have</p> <p>18 threatened you with physical harm. How many times has that</p> <p>19 happened?</p> <p>20 A Twice, once in Storm Lake, Iowa and then-- well, prior</p> <p>21 to the incident was just once. Since then I've had one</p> <p>22 recently where I was assaulted in-- in Ord, Nebraska.</p> <p>23 Q Prior to the incident, what do you mean?</p> <p>24 A Prior to the-- excuse me, the refusal to issue the</p> <p>25 permit.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q So one time before the denial and one time since?</p> <p>2 A Right. And there's-- there's been one registered blog</p> <p>3 stating, after my client defeated a bond, that someone</p> <p>4 should put a bullet in Paul Dorr's head.</p> <p>5 Q What website did you see that on?</p> <p>6 A Des Moines Register, a copy of which was mailed to the</p> <p>7 sheriff.</p> <p>8 Q Why?</p> <p>9 A Because I was concerned. I wanted to-- wanted to know</p> <p>10 what to do and if he would investigate it.</p> <p>11 Q What did you expect him to do?</p> <p>12 A Find out who was threatening my life implicitly or</p> <p>13 explicitly.</p> <p>14 Q What do you mean, implicitly or explicitly?</p> <p>15 A "Someone should put a bullet in Paul Dorr's head." He</p> <p>16 didn't say, "I'm gonna put a bullet in Paul Dorr's head,"</p> <p>17 but-- so it was more of a-- I thought-- I didn't know what</p> <p>18 his intentions were, if it was explicit.</p> <p>19 Q Do you know where this someone lived, what community?</p> <p>20 A No. It was a blog post.</p> <p>21 Q Do you know what part of the state he was from?</p> <p>22 A That-- no. I-- I don't have the capacity to do that.</p> <p>23 I assumed the sheriff would.</p> <p>24 Q Did you go to the sheriff and file a formal complaint</p> <p>25 with respect to this blog incident?</p>	<p style="text-align: right;">Page 16</p> <p>1 son, making alarming statements. I don't remember what they</p> <p>2 were at the time. He was-- he was frightened.</p> <p>3 But we did notice that they took the car around the BV</p> <p>4 Mutual Business-- a couple cars they were driving-- it's in</p> <p>5 the center of a strip mall parking lot, and they started</p> <p>6 driving around the building honking their horns and-- and</p> <p>7 cursing at us. I-- I-- at that time I-- the sheriff did</p> <p>8 (inaudible). It was never an issue that never came about,</p> <p>9 but--</p> <p>10 Q I'm sorry. I didn't understand what you just said.</p> <p>11 The sheriff had what?</p> <p>12 A At that time the sheriff had issued me the permit. And</p> <p>13 I normally would just carry it along in the state of Iowa at</p> <p>14 the bottom of a briefcase, just left it there. It was along</p> <p>15 that night, but there was no need to-- nothing went any</p> <p>16 further than a small crowd developing right outside our</p> <p>17 building.</p> <p>18 Q Did you call the Storm Lake Police?</p> <p>19 A As I said, I didn't have a cell phone then and no one</p> <p>20 else there did.</p> <p>21 Q I thought you said that you were making calls that</p> <p>22 night.</p> <p>23 A No. Excuse me. They were out in the parking lot on</p> <p>24 their cell phones. My son was watching them saying, "We're</p> <p>25 down here at BV Mutual. Come on down. This is where the</p>
<p style="text-align: right;">Page 15</p> <p>1 A Sent him a copy of it and of the-- and asked him if</p> <p>2 he'd look into it. I never heard back.</p> <p>3 Q Did you ever talk to him about it?</p> <p>4 A Not that I recall.</p> <p>5 Q When was the incident in Storm Lake?</p> <p>6 A Would have to be somewhere, probably, in 2005 or '6.</p> <p>7 Q What happened?</p> <p>8 A Basically, a school district got word that I was</p> <p>9 organizing-- was gonna meet one evening to talk about</p> <p>10 organizing a campaign to oppose their proposed school bond.</p> <p>11 Someone, we found out later, illegally used the school's</p> <p>12 e-mail system and told the whole school district. And so</p> <p>13 that night at our by-invitation-only meeting, initially</p> <p>14 three or four school employees came and kind of crashed our</p> <p>15 meeting. They got pretty upset with us and we asked them to</p> <p>16 leave, "This is by invite only." They finally did leave.</p> <p>17 It was before the days of cell phones-- I had a cell phone.</p> <p>18 Then they went outside in the parking lot.</p> <p>19 And before it was done I posted my 14-year-old son at</p> <p>20 the door and he kind of cleared who was coming in, because I</p> <p>21 didn't-- we didn't expect this at all. Normally these</p> <p>22 meetings are very quiet and peaceful amongst like-minded</p> <p>23 people who may want to organize a ballot. And they started</p> <p>24 working the telephones and my son insisted he saw alcohol.</p> <p>25 There were 20 to 25 people out there cursing, swearing at my</p>	<p style="text-align: right;">Page 17</p> <p>1 meeting is at." Their-- their crowd grew as they kept</p> <p>2 working the phones.</p> <p>3 Q There were no phones in the building where you were?</p> <p>4 A No.</p> <p>5 Q You told me, but I didn't understand what you said.</p> <p>6 How did these people-- how do you believe these people found</p> <p>7 out you were meeting?</p> <p>8 A We did a public records request and got a copy of the</p> <p>9 e-mail that one of the staff members had illegally used, and</p> <p>10 the e-mail went out across the whole district to all the</p> <p>11 district employee e-mail boxes. And how-- we think we know</p> <p>12 how it got to her, but as far as the large group all knowing</p> <p>13 about it, it was-- and I think I still have the file that</p> <p>14 has an e-mail distributed by the Storm Lake School District</p> <p>15 server.</p> <p>16 Q Why do you say that something was illegally used? I</p> <p>17 still don't understand.</p> <p>18 A Because political activity of that nature-- the</p> <p>19 Attorney General's Office confirmed for us and as did-- the</p> <p>20 superintendent later put out a-- an apology and reminder not</p> <p>21 to use it anymore. But they're not to use--</p> <p>22 Q Use what?</p> <p>23 A -- use the internet-- the e-mail server system for</p> <p>24 political activity, the school district's. No county</p> <p>25 government is supposed to-- or, excuse me, no Iowa</p>

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<p>1 government body is supposed to use their community 2 property-- I mean, their-- their-- their jurisdiction's 3 property to advance political activity. In this case they 4 were putting out an alert that the political committee was 5 getting organized. 6 Q So someone who worked for the school used the school's 7 e-mail system to alert other school employees about what you 8 were doing? 9 A Correct. 10 Q But how did they find out what you were doing? 11 A We-- we found out who initiated the e-mail, and when I 12 contacted her later her husband was less than cooperative in 13 explaining how she found out. He admitted she did it 14 because we had the e-mail. It was her name on it. But how 15 she found out, we never did hear exactly how. 16 Q And where was this meeting? 17 A Our meeting was being held in the BV Mutual community 18 room in the insurance office building in Storm Lake. 19 Q And there was a second incident in Ord, Nebraska. When 20 was that? 21 A That was just a couple months ago, October 22 or 23. I 22 had a less than cordial-- well, I'll let you guys question 23 me. 24 Q What happened? 25 A A radio talk show host was sitting at a table during</p>	<p>1 threatened you with physical harm? 2 A At meetings, yes. 3 Q Have you been threatened by physical-- threatened with 4 physical harm outside the context of meetings? 5 A I would have to go back through the file. There's been 6 lots of anonymous mail over the years. 7 Q What file? 8 A I have a correspondence file from my Rescue the 9 Perishing ministry. But as-- as I recall sitting here, most 10 of them have just been telling me what they think of me, but 11 there hasn't been any physical threats. 12 Q Had you been issued a permit to carry a concealed 13 weapon in 2007 and had it been renewed up to now, is it your 14 belief that you could have carried a concealed weapon in 15 Ord, Nebraska? 16 A It is my belief because, as I've heard just recently, 17 Nebraska has just granted reciprocity with Iowa sometime 18 earlier this year prior to that meeting Ord. 19 Q How many firearms do you own? 20 MR. FAHNLANDER: I'm gonna object. It's not 21 relevant. 22 Q (BY MR. PHILLIPS) How many firearms do you own? 23 A One shotgun, one rifle and-- two rifles and then, let's 24 see, one, two-- I think-- I think, three handguns right now. 25 Q What kind of handguns?</p>
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<p>1 our community town hall presentation. People later 2 witnessed him-- or told us later they-- about an hour and a 3 half they listened to him get angrier and angrier with me. 4 Afterwards he sought me out, wanted to insist I submit to an 5 interview and I said, "No. I don't-- generally I don't do 6 the interviews without the clients there. This is their 7 campaign, their community. This isn't about me." 8 He kept pressing for an interview and I finally said, 9 you know, "Who are you with?" and he wouldn't identify 10 himself and what media outlet he was there with. I was 11 running a digital recorder, which in those situations I-- 12 it's turned out to be a safety factor. We had the whole 13 thing on record. And he then-- I finally said, "I suspect 14 you're--" I forget the gentleman's name with the radio 15 station. And I said, "If that's the case, I don't want to 16 do this interview without the clients here and because I 17 have a suspicion you're biased." 18 And at that point he reached out and hit my hand so 19 hard that he knocked the recorder out of my hand to the 20 floor, grabbed the recorder and headed for the door, then he 21 threw it in the wastebasket and left. But it's-- I mean, 22 it-- it's-- it was intended to knock the recorder out of my 23 hand. He hit me hard. I didn't go into the hospital, but 24 it stung for three or four hours. 25 Q Are those the only two meetings at which people have</p>	<p>1 A Glocks. 2 Q How long has it been the case that you've owned three 3 handguns? 4 A I-- I don't recall. I-- I've-- I've bought more guns 5 than that over the years, a couple more. I gift them to my 6 sons when they become of age for their successful training 7 and so forth. 8 Q For their what? 9 A For their-- as their dad I satisfy they've been 10 successfully trained out on the range. And when they become 11 21, then I give them to them as a gift. 12 Q When you said, "when they become of age," you meant 21? 13 A Correct. 14 Q It's my understanding that you had a nonprofessional 15 permit to carry a concealed weapon from 2001 to 2006; is 16 that correct? 17 A That's my memory, but I'm hearing today that it may 18 have gone a little bit further back than that. I don't-- I 19 haven't kept all the permits. I don't know exactly. 20 Q All of those would have been issued in Osceola County? 21 A Correct. 22 Q But you don't know if you had a permit prior to 2001? 23 A I don't recall. 24 Q Have you been denied a permit at any time after the 25 denial in 2007?</p>

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<p style="text-align: right;">Page 22</p> <p>1 A Sheriff Weber in 2008 in the written letter that was in 2 evidence here today. 3 Q Had you filled out an application in '08? 4 A I don't recall if I wrote him a letter and asked or if 5 I filled out an application. I'd have to check the record. 6 Q What records would you check? 7 A If there was any letters sent to him or if there was an 8 application. I generally would keep a copy of my 9 applications, so I'd have to look and see if there's a copy 10 of an application or just a letter. I think it was an 11 application that went in the same time or around the 1st of 12 July of 2008. 13 Q It's my understanding that you met with the sheriff to 14 discuss your 2007 application on August 9th of '07. 15 A Sounds right. 16 Q How is it that that meeting came to be held? 17 A I'm not sure who initiated the call, if he called me or 18 I called him and asked if he had acted on my permit. And, 19 again, I don't recall who initiated it, but his 20 communication to me was, "I want you to come in and talk 21 about-- visit about this application," so we agreed upon a 22 time and I arrived. 23 Q Look at Exhibit 9, please-- 24 A (Witness complying.) Yes. 25 Q -- the first page. Have you had an opportunity to</p>	<p style="text-align: right;">Page 24</p> <p>1 Q Do you know if he knew that you were taping him? 2 A I do not know. 3 Q Did you tell him you were taping him? 4 A No, I did not. 5 Q Why not? 6 A I had no duty to do it. 7 Q Why did you tape the conversation in the first place? 8 A Because there was tension from the previous six months 9 with my involvement with the OCTA. And this is the first 10 time that he had ever said, "Come on in. I want to talk to 11 you about your-- your application," so I had suspicion that 12 maybe something more was coming than just a-- the routine, 13 "Here's your permit." 14 Q Tension between whom? 15 A My involvement with the OCTA, that there had been lots 16 of letters to the editor that Mr. DeKoter initiated, I would 17 respond to. And I was receiving threats from Mr. DeKoter 18 and I knew-- legal threats from Mr. DeKoter, and I assumed 19 that the historic relationship with that office and the 20 sheriff's office was still there and so I-- I just-- I 21 presumed that Mr. DeKoter was probably having his-- his 22 involvement with all this was probably laying a scenario 23 that wasn't gonna be productive for me. 24 Q Wasn't going to be what? 25 A Productive for me, like when I went to meet with him.</p>
<p style="text-align: right;">Page 23</p> <p>1 review that? 2 A Yes. 3 Q As far as you're concerned, is that an accurate 4 transcript of the discussion that took place between the two 5 of you? 6 A I've not been trained in-- I'm not trying to be smart. 7 As far as I know it's accurate, but I don't know exactly 8 what all goes in the transcript, but as far as I know it's 9 accurate. 10 Q Well, you were there. Do you remember it any different 11 than the way it's typed out here? 12 A No. 13 Q Who typed this up? 14 A I did. 15 Q Do you still have the original recording? 16 A Yes. 17 Q Is that the only time you've ever taped a discussion 18 with Sheriff Weber? 19 A I've been hired by the OCTA to videotape him at various 20 public meetings and events. I'm trying to recall. I 21 think-- I think that's it as far as I can recollect. 22 Q This recorder that you used to tape the August 9th, 23 2007 meeting, was that something you put on his desk or was 24 it concealed in your pocket? 25 A It was-- it was in my pocket.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Have you ever met with Dan DeKoter? 2 A Not in 20 years. 3 Q Ever talked to him on the phone? 4 A I did in a campaign we were doing in Lyon County three 5 or four years ago. 6 Q Have you ever taped a conversation with Mr. DeKoter? 7 A None that I can recall. There was just that one 8 conversation back when the George school bond vote was going 9 on. 10 Q What was that discussion about? 11 A He was counsel for the City of George, and the City of 12 George was having expressly advocating statements on their 13 city website, "Vote yes." And we were trying to get to the 14 bottom of the-- I know from working with the State 15 Ombudsman's Office that they can't do that, so I was trying 16 to relay to him-- some of the city people-- the mayor was 17 resisting us, and I was trying to relay to him if he'd pass 18 on to them the law that city governments can't expressly 19 advocate on their website. 20 Q You knew from working in whose office? 21 A From working with the State Ombudsman's Office in Des 22 Moines we-- local governments routinely violate the-- the 23 law on express advocacy and I end up filing complaints just 24 so that everybody plays fair. 25 Q How many complaints have you filed with the Ombudsman?</p>

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<p style="text-align: right;">Page 26</p> <p>1 A I would say half a dozen.</p> <p>2 Q On what subjects?</p> <p>3 A Mostly that, express advocacy and certain government</p> <p>4 bodies refusing to-- to disclose public records.</p> <p>5 Q Have you ever filed a complaint against a governmental</p> <p>6 body in this county?</p> <p>7 A Yes, we did, with the Public Safety Commission.</p> <p>8 Q When was that?</p> <p>9 A That would have been in '08, I believe.</p> <p>10 Q What was the nature of that dispute?</p> <p>11 A The agenda versus the-- the minutes later. Some issues</p> <p>12 indicating they're retaining counsel, Dan DeKoter, to set up</p> <p>13 these standards was in the minutes, but it was never in the</p> <p>14 agenda in advance. And our complaint was that these-- some</p> <p>15 of these items were taking place without adequate public</p> <p>16 notice that there were gonna be issues discussed of that</p> <p>17 importance.</p> <p>18 Q Some of what items?</p> <p>19 A Items like-- like acting on retaining Mr. DeKoter.</p> <p>20 Q How was that issue ultimately resolved?</p> <p>21 A State Ombudsman interviewed all parties, and when they</p> <p>22 were done they directed the Public Safety Commission to</p> <p>23 issue a letter of apology to me.</p> <p>24 Q They directed them?</p> <p>25 A That's what-- that's what she said and that's what I</p>	<p style="text-align: right;">Page 28</p> <p>1 issuing the permit and that it was his discretion.</p> <p>2 Q Have you discussed this denial or any other issue</p> <p>3 related to the permit with Sheriff Weber at any time since</p> <p>4 August 9th of 2007?</p> <p>5 A Discussed in what-- in what medium?</p> <p>6 Q Well, let's start with talking to him.</p> <p>7 A Not that I recall.</p> <p>8 Q What other media are there?</p> <p>9 A I wrote a letter. I wrote a letter and asked him-- I</p> <p>10 appealed to him to, you know, be a peacemaker. If there are</p> <p>11 people out there-- that we need to get to the foundation of</p> <p>12 these fears, if people are making it up, it's not true. I</p> <p>13 asked him to invite them into his office with me and that we</p> <p>14 could hear what they have to say; and if I had done</p> <p>15 something I forgot, I'd be glad to apologize and-- and live</p> <p>16 those consequences at that time.</p> <p>17 Q Did he respond to that letter?</p> <p>18 A No.</p> <p>19 Q Did you discuss these issues with him in any other</p> <p>20 media?</p> <p>21 A I-- I think I-- well, I submitted an application in</p> <p>22 '08, but as far as this denial, none that I can recall.</p> <p>23 Q You applied in '08 and he wrote you a letter saying no?</p> <p>24 A Right.</p> <p>25 Q Other than your-- that 2008 application and the letter</p>
<p style="text-align: right;">Page 27</p> <p>1 received from them.</p> <p>2 Q Sent a letter to apologize if there was any</p> <p>3 misunderstanding?</p> <p>4 A I'd have to see the letter to know what's all in it.</p> <p>5 Q Do you think that people in this county are afraid of</p> <p>6 you?</p> <p>7 MR. FAHNLANDER: Object, vague. Which people?</p> <p>8 A I don't know what you mean by afraid of me. I-- are</p> <p>9 there people afraid of my conviction-- are there people</p> <p>10 afraid of me physically, no.</p> <p>11 Q (BY MR. PHILLIPS) In some other way?</p> <p>12 A Of the strength of my convictions. They'd rather not</p> <p>13 hear from me.</p> <p>14 MR. FAHNLANDER: I'll object-- it calls for</p> <p>15 speculation as to the state of mind of someone else-- and</p> <p>16 ask that the objection precede the answer.</p> <p>17 MR. PHILLIPS: Okay. Will you take this</p> <p>18 deposition by the Federal Rules?</p> <p>19 MR. FAHNLANDER: Certainly.</p> <p>20 MR. PHILLIPS: Good.</p> <p>21 Q (BY MR. PHILLIPS) What reasons did Sheriff Weber give</p> <p>22 you for denying your 2007 application?</p> <p>23 A He's heard different things from me, from some of the</p> <p>24 citizens and there's some fear out there of-- you know,</p> <p>25 "Some are scared to death of you," he was not comfortable</p>	<p style="text-align: right;">Page 29</p> <p>1 in which he said no, have you discussed these issues with</p> <p>2 him in any other medium?</p> <p>3 A Discussed it with him, no. I've written about his</p> <p>4 actions to parties in the county and in letters to the</p> <p>5 editor.</p> <p>6 Q Why?</p> <p>7 A Because I thought that his discretion was improper and</p> <p>8 I suspicious it was politically motivated.</p> <p>9 Q Why do you think his exercise was improperly-- or his</p> <p>10 discretion was improperly exercised?</p> <p>11 A Because he admitted he had no evidence. I asked him if</p> <p>12 he had any evidence and he said, "No." Then when-- later</p> <p>13 when he started to indicate that he wasn't gonna tell me I--</p> <p>14 after quite a pause I asked him if it was personal, and he</p> <p>15 was strongly objecting to that, but then he-- he stated--</p> <p>16 then he said that he's not gonna say what they did say.</p> <p>17 Q Why do you think it was politically motivated?</p> <p>18 A For the reasons just discussed previously. I was</p> <p>19 working with the OCTA, and they're convinced that he and the</p> <p>20 county attorney are overpaid. And they've been around for</p> <p>21 years but, now, when they hired me we started doing some</p> <p>22 basically research, and that's when the threatening e-mails</p> <p>23 and stuff started coming through Mr. DeKoter, just in the</p> <p>24 early stages of doing research. And then-- then Mr. DeKoter</p> <p>25 started maligning me in the letters to the editor in the</p>

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<p>1 paper.</p> <p>2 Q What paper?</p> <p>3 A Generally the Sibley-- Osceola County Gazette & Tribune</p> <p>4 and then other times the Ocheyedan Press news.</p> <p>5 Q Do you have copies of these threatening e-mails from</p> <p>6 DeKoter?</p> <p>7 A Yes. In fact, you can see most of them posted on the</p> <p>8 OCTA's website.</p> <p>9 Q Do you have copies of the maligning letters to the</p> <p>10 editor from-- that Mr. DeKoter wrote?</p> <p>11 A I'd probably have to-- like anybody, I'd have to go</p> <p>12 back to the library and pull up back issues. I-- I have</p> <p>13 some, not others. I didn't keep all of it. It just got</p> <p>14 weary after awhile.</p> <p>15 Q Any other reason why you think the 2007 denial was</p> <p>16 politically motivated?</p> <p>17 A I'm trying to remember the history of what was going on</p> <p>18 about that time. At this time I can't think of any other</p> <p>19 reason. I, you know, may want to visit with some of the</p> <p>20 OCTA members and see what-- you know, what we were doing at</p> <p>21 that time and what all was going on, but at this time I</p> <p>22 don't recall anything else.</p> <p>23 Q Who with OCTA would you talk to?</p> <p>24 A The board members are the president, Kevin Hertz.</p> <p>25 Other board members are George Braakama, Rochelle Buchman,</p>	<p>1 only-- and we didn't-- this was no test run. It was if we</p> <p>2 can't-- if I can't be able to protect my family, then my</p> <p>3 wife wanted to have the ability to-- to carry something</p> <p>4 along in my absence if we were-- if we were traveling in</p> <p>5 Iowa and so forth. At that point she talked about, "I don't</p> <p>6 like being manipulated and a tool like this. Either act on</p> <p>7 it or don't." And the more we visited, she decided to go in</p> <p>8 and withdraw the application. She did. The election was</p> <p>9 held sometime the first part of July. She filed again and--</p> <p>10 Q July of '08?</p> <p>11 A Yes. -- and then Mr. DeKoter's letters ensued.</p> <p>12 There's two of them, I believe. And then after that</p> <p>13 Mr. Weber issued the permit.</p> <p>14 Q Say that last thing over again.</p> <p>15 A And then after-- after she filed and Mr. DeKoter's</p> <p>16 letters went back and forth-- she filed with-- with him.</p> <p>17 I-- in fact, I wrote him and asked him-- now it's coming</p> <p>18 back to me. I wrote him and asked him about my own and he--</p> <p>19 he then-- instead of getting a response from him I got a</p> <p>20 response from Dan DeKoter, which didn't make any sense to</p> <p>21 me. And so I continued to correspond with the sheriff and I</p> <p>22 got a second response back from Mr. DeKoter. I'm saying he</p> <p>23 doesn't issue these permits, the sheriff does. Then after--</p> <p>24 I think, after the second one-- the chronology is not</p> <p>25 precise, but it's-- it's close to this. I'd have to look at</p>
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<p>1 Carl Berkenpas, Ed Wheeler. That's the ones I can recall</p> <p>2 now.</p> <p>3 Q Your wife applied for a permit in 2008?</p> <p>4 A Uh-huh (yes).</p> <p>5 Q Did that ap-- yes?</p> <p>6 A Excuse me. Yes, she did.</p> <p>7 Q That application was approved?</p> <p>8 A Eventually.</p> <p>9 Q Eventually. Was there some delay?</p> <p>10 A Yeah. It was applied for in April of 2008.</p> <p>11 Q Okay.</p> <p>12 A And Sheriff Weber's response after a week or-- I think</p> <p>13 it was a couple weeks. The response was, "I have-- I want</p> <p>14 to think about this one. Give me 30 days," or something.</p> <p>15 And my wife reported to me that-- she said, "Well, why do</p> <p>16 you-- is there something you're gonna learn in 30 days, I</p> <p>17 mean, something I can answer for you or an issue that you're</p> <p>18 considering during this time?" and he said, "No. I just</p> <p>19 want to think about it." At least, this is what my wife</p> <p>20 reported to me. She came to me and said, "What-- what's 30</p> <p>21 days from now? Why can't he make his mind up now? He's had</p> <p>22 it for a couple weeks."</p> <p>23 I looked at the calendar and I realized it was a few</p> <p>24 days after his election, so I said, "He's probably wanting</p> <p>25 to make sure I be quiet, and use it as a tool over me." The</p>	<p>1 them again, but sometime around that-- in the middle of that</p> <p>2 correspondence the sheriff did then issue my wife's permit.</p> <p>3 Q Did she renew it this year?</p> <p>4 A As far as I know, yes.</p> <p>5 Q In paragraphs 48 through 50 of your amended complaint</p> <p>6 you said that Copperhead had engaged in political challenges</p> <p>7 with the sheriff and county attorney. Who was the county</p> <p>8 attorney to whom you refer?</p> <p>9 A Exhibit number again?</p> <p>10 Q Exhibit 8.</p> <p>11 A 8, paragraph what?</p> <p>12 Q Paragraphs 48 through 50.</p> <p>13 A (Pause) I was doing the work for the OCTA, but then</p> <p>14 Mr. DeKoter started attacking me personally in letters to</p> <p>15 the editor and the OCTA. So I would-- you know, I</p> <p>16 couldn't-- there were a series of false statements being</p> <p>17 made. I wasn't gonna stand back and let it stand as the</p> <p>18 record, so then I would respond. Because I was personally</p> <p>19 drag into it I'd respond, and it would often-- I don't--</p> <p>20 well, I don't recall exactly, you know. I think mostly I</p> <p>21 was responding to DeKoter's false accusations as far as</p> <p>22 the-- working the political challenges that I was doing</p> <p>23 through the OCTA. I-- I was an employee of theirs. I never</p> <p>24 spoke on their behalf and they-- I would do the background</p> <p>25 research and help them create messages and so forth, but the</p>

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<p style="text-align: right;">Page 34</p> <p>1 OCTA board reviewed it all and approved everything. 2 Q So DeKoter is the Osceola County Attorney's Office that 3 you're referring to in paragraph 48? 4 A No. That was-- that-- that, again, was the OCTA's 5 challenge of their budgets, the sheriff's office and the 6 county attorney's pay. 7 Q My question is, who was the county attorney? 8 A Bob Hansen, Robert Hansen. 9 Q What was the issue with Mr. Hansen's pay? 10 A At the time-- at that time it kind of boiled down to, 11 with his arrangement with O'Brien County, that between the 12 two counties he was the fourth highest paid county attorney 13 in the state of Iowa and we're the sixth smallest county. 14 And, more narrowly, the OCTA is-- when they compared other 15 small counties of this size, Mr. Hansen is found to be way 16 overpaid. 17 And I was employed at the time to do a survey of county 18 attorneys. I did survey 11 county attorneys across the 19 state and looked at their rough workload and did a 20 population comparison and found that which several county 21 attorneys indicated was probably true; that, based upon the 22 survey of other county attorneys, you got about two or two 23 and a half days of work to do in Osceola County and, thus, 24 he committed 20 hours a week to O'Brien County. So the OCTA 25 was concerned-- they weren't opposed that he worked in</p>	<p style="text-align: right;">Page 36</p> <p>1 A Exclusively-- well, I know that some states-- that they 2 have no permit system at all so, in a better world, yes. In 3 this lawsuit my claim is subject to the state code that is-- 4 that is before us, and under the State Code I think it's-- 5 my Second Amendment right's been infringed. 6 Q Well, help me with what your Second Amendment right-- 7 what you think your Second Amendment right is. 8 A To keep and bear arms. 9 Q Okay. Does that include the right to have a 10 nonprofessional permit to carry? 11 A Yes, because I can't-- I can't bear arms in a manner 12 that would protect my safety and that of my family. 13 Q You're also claiming that your due process rights were 14 violated? 15 A He wouldn't give me no reason. He would give me just-- 16 I mean, other than it's his discretionary authority, I 17 didn't see a process by which there was an objective 18 standard that I could meet or qualify for, and I know other 19 people in the county are getting permits and I'm not. I-- 20 he didn't-- he didn't-- I wrote him and asked to-- you know, 21 "Let's do something to try to, you know, be at-- get to the 22 bottom of these reputation accusations. They could all be 23 false." I just-- I saw no actions on his part to-- to try 24 to employ those provisions of that-- that Code on the-- on 25 the reasonableness standard to-- so that I could qualify.</p>
<p style="text-align: right;">Page 35</p> <p>1 O'Brien County. They were concerned he was being paid a 2 full-time salary while he's also getting another salary down 3 there. 4 Q What did OCTA do to get that message out? 5 A Direct mail, they made presentations to the county 6 supervisors, may have done some hand billing, leaflets and 7 so forth. 8 Q As nearly as you can tell, did those efforts have any 9 impact? 10 A On the county attorney's salary and the sheriff's 11 salary, no. 12 Q Do you have a theory on why that is? 13 A I don't want to conjecture. 14 Q What's your conjecture? 15 A I said I don't want to conjecture. I-- I don't know. 16 Who knows what motivates supervisors? 17 Q Who's the consulting business client to whom you refer 18 in paragraph 49 of your amended complaint? 19 A The OCTA. 20 Q Are you claiming in this lawsuit that the Second 21 Amendment gives you the right to have a nonprofessional 22 permit to carry a concealed weapon? 23 A State the question again. 24 MR. PHILLIPS: Would you read it back, please. 25 (The last question was read back.)</p>	<p style="text-align: right;">Page 37</p> <p>1 Q And you're claiming that the denial was due at least in 2 part to your political-- your political activities? 3 A Yes. 4 Q You said that was because you were working with OCTA 5 and at the time the issue was whether the sheriff and the 6 county were overpaid. That's when you started getting 7 threatening e-mails from DeKoter and DeKoter started 8 maligning you in the newspaper, is that-- 9 A Correct. 10 Q That's the factual basis for your belief that this 11 denial was politically motivated? 12 A In addition to the lack of-- his admission to the lack 13 of evidence these people have for the basis for their 14 fears-- at that point I said, "Well, he's admitted he has no 15 basis, no evidence of anything I did"-- and then lining up 16 these other factors that I'd just recently been involved in 17 and these e-mails from DeKoter and so forth. 18 Q Has any elected official in this county ever admitted 19 to you that this was political? 20 A No. 21 Q Why do you think this decision was arbitrary? 22 A Again, the lack of evidence-- his admission to a lack 23 of evidence and that he had given it to me the two prior 24 years. 25 Q Why do you think it was unreasonable?</p>

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<p style="text-align: right;">Page 38</p> <p>1 A Because there was no evidence and I had no ability to 2 defend myself even when I followed up with a request to do 3 it. 4 Q And why do you think it was contrary to law? 5 A Which law? 6 Q I don't know. I'm taking this out of your complaint. 7 A Yeah. I think it's contrary to the-- the-- I don't 8 want to say more of the spirit in the Second Amendment, but 9 its primary-- it's the primary goal our founders had to the 10 Second Amendment, is to allow citizens to bear arms. And I 11 was not being allowed to bear arms in a fashion that would 12 best protect myself and my family. 13 Q How have you been harmed by the fact that your permit 14 has been denied? 15 A I've don't have the-- the safety of having it with me 16 if, in fact, other parties would go beyond reasonableness 17 and decide to lose their control. I think I'm at-- I'm at 18 risk now. I think my-- my reputation has been harmed by the 19 sheriff's public statements not trusting me. He needs to 20 talk to the other neighbors. He needs to understand the 21 context of the neighbors he's talked to. He's selected 22 partial statements from partial parties to establish a 23 reputation, and I think he's injured my reputation. 24 Q Who could I talk to to find out what your reputation 25 really is?</p>	<p style="text-align: right;">Page 40</p> <p>1 My daughter Emily works uptown at the local grocery 2 store, and she gets lots of people coming in saying, "Good 3 luck to your dad. This has gone on too long. Keep up the 4 fight." These aren't the people that are gonna call up the 5 sheriff. You know, they're just-- they're intimidated by 6 the power of the sheriff's office and so they-- they don't 7 run to the sheriff. But I hear indirectly from a lot of 8 people in the community that they're supporting us in this-- 9 in this challenge. 10 Q So the people on your list are intimidated by him and 11 the people on his list are intimidated by you, is that what 12 you're telling me? 13 A Yeah, pretty much. 14 Q Has anyone-- other than the recent incident in Ord has 15 anyone attacked you physically since the permit was denied 16 in '07? 17 A No. 18 Q Has anyone tried to rob you? 19 A No, but I was super-- supervising our children have a 20 vendor business in the summers along the parade routes, and 21 at the end of the parade they have a lot of cash on them. 22 And in Worthington, Minnesota recently, just in September, 23 my one son Matthew was challenged by two 24 less-than-desirables in Worthington, people that looked like 25 they were gang members, that threatened to take his-- his</p>
<p style="text-align: right;">Page 39</p> <p>1 A Well, I'll-- I'll offer context, first of all, to the 2 ones that-- that he has mentioned, but as well you could 3 talk to Dale Block's wife. 4 Q What's her name? 5 A Lives across the street and just left of me. Barb, 6 Barb Lock. 7 Q Who else? 8 A Could talk to Gert Turner, lives immediately next door 9 to us. You could talk to Lois Stahl in other contexts. 10 Q What other context? 11 A My-- the way we train our children-- the way I've 12 primarily been involved with training our children along 13 with my wife such that when she's locked out of her house 14 they're the first ones over there helping her. She sent us 15 a very kind note of thanking the Dorr children, because it 16 was a cold night and her and her daughter were locked out of 17 their own house and they authorized my children to crawl in 18 a window and get them back in the home. 19 There was just various acts of kindness that have gone 20 on over the years with Mrs. Stahl and other neighbors. 21 Well, the one that used to live close to us, a De Bondt, a 22 young man by the name of De Bondt-- he's not immediate-- not 23 a neighbor now. He lives in Melvin, but he's very 24 supportive of us as-- as neighbors and of this lawsuit. I 25 don't know his first name. I'm not uptown as much.</p>	<p style="text-align: right;">Page 41</p> <p>1 money and-- and demanded he hand it over to them. Did they 2 display any violent-- any use of force? They threatened 3 force, but they didn't do it. I was a block or two down the 4 street and I kind of overseen-- I was with another group of 5 our kids, but it's happened to our family. 6 Q Does Minnesota have reciprocity? 7 A Well, no. They have-- and I've-- I've qualified for 8 the training. I'll be getting my permit there shortly, but 9 they have-- it's a-- they issue (inaudible)-- 10 Q What's that? 11 A -- so that I can get a Minnesota permit. It wouldn't-- 12 the Iowa permit wouldn't have any impact on-- on the 13 Minnesota permit. 14 Q So you would not have been able to carry a concealed 15 weapon in Minnesota at the time of this vendor incident 16 anyway, is that what you're telling me? 17 A Under the Minnesota law I-- I could have, yes. 18 Q I thought you said they didn't have reciprocity. 19 A It's-- they issue to out-of-staters. 20 Q Okay. But you've got to get a Minnesota permit-- 21 A Right. 22 Q -- from a Minnesota agency? 23 A Right. 24 Q Why haven't you done that? 25 A Honestly, I'm too poor. I don't have a hundred bucks</p>

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<p>1 right now. And my wife wants to get one as well, so I'm 2 kind of wanting her to get it first. 3 Q Does your business still conduct campaign contribution 4 and collection activities? 5 A Not recently, not since the spring of '08. 6 Q In the spring of '08 was there any adverse impact on 7 your ability to conduct those activities because you didn't 8 have a permit to carry a concealed weapon? 9 A No. 10 Q How has your son been harmed by the denial of a permit 11 to carry a concealed weapon? 12 A I'd just maybe ask you to ask him. 13 Q I want to know if you think he's been harmed. 14 A If I think he's been harmed? 15 Q Yes. 16 A Yeah, his-- 17 MR. FAHNLANDER: I'll object, speculation. 18 Q (BY MR. PHILLIPS) How do you think he's been harmed? 19 A His-- his-- this office previously issued them to his 20 older brothers. In the case of Julia, the daughter he 21 couldn't remember her name, he had called her and asked her 22 to come in, he wanted to visit with her first. A couple 23 months later she got married and moved over to Grundy 24 County, where she received her permit there. Later she-- 25 well, before that, before she got her permit, she called</p>	<p>1 to 21, that he's-- he's allowed to carry concealed is under 2 my direct supervision at the-- at the range and so forth, 3 but I want him to get some practice at it too. I want him 4 to-- to understand what it feels like, what it's-- you know, 5 what he's-- and all that's been denied for his future use. 6 Q Are you claiming that you have been treated differently 7 than similarly situated individuals? 8 A I don't know similarly situated who-- I'm claiming 9 that-- that people, you know, in Osceola County, some of 10 which have better reputations than I do and some have worse 11 reputations-- I guess that's it, theoretically. I haven't 12 gone through the list, but my reputation is a subjective 13 matter, and that-- that certain-- that I have been-- not 14 been granted the equal treatment that-- that the citizens of 15 the county have. 16 Q Who? Who are we talking about? 17 A Well, the 150 or so that-- that he does issue them to. 18 Q Are they all similarly situated to you? 19 A Well, it goes back to the premise of your question. 20 I'm not sure how can I compare-- what's similarly situated? 21 Q Well, look at paragraph 147 on page 21 of Exhibit 8. 22 A Page 21, paragraph 147? 23 Q Yes. 24 A (Witness complying.) 25 Q What do you mean by the phrase unequal treatment under</p>
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<p>1 back to get the training certificate from his office. 2 Q Whose office? 3 A From Sheriff Weber's office, that she completed all the 4 course work and training requirements. And the gal who 5 talked to her over the phone said, "Well, once you stop in, 6 we have your permit waiting here for you," and she said, 7 "Well, I've left the state-- I've left the county. I'm no 8 longer a resident of the county." So we were told at the 9 time he was willing to issue it to her, and she was 18 or 10 19. It never was issued because she moved out of the 11 county. So Alex has observed his older siblings either get 12 it or have a willingness from the sheriff's office to issue 13 it. 14 And it came for him right on the heels of my denial and 15 he thinks his Second Amendment right has been harmed, that 16 he too should be able to bear under my direct oversight. 17 The reason we do this when they're younger is I've started 18 off-- or I think it's-- the Code says-- back when they were 19 14 I spent a lot of time on the range with them so that I 20 could develop good habits with them, you know, training them 21 in the proper ways how to de-escalate things if you ever 22 find yourself in such a situation. But, at the same time, 23 the-- the bigger issue is proper use and handling and so 24 forth. 25 And so, you know, with-- that's the only time, from 18</p>	<p>1 the law? 2 A That under 724.8 others in Osceola County have been 3 given the permits, and with his lack of evidence I didn't 4 think he had a reasonable basis by which to make the-- his 5 decision so that I was denied the-- that equal protection of 6 the law. 7 Q What is the Oregon Firearms Education Foundation? 8 A What is it? 9 Q Yes. 10 A It's a Second Amendment foundation tied to a Second 11 Amendment organization out there that does fund-raising for 12 and helps defend parties' Second Amendment rights in court 13 who are infringed. 14 Q Has it done fund-raising in your case? 15 A No. 16 Q Has it paid any of the fees or expenses for this 17 litigation? 18 A The-- not from their-- well, donations from across Iowa 19 have been sent to them and they turn around and pay the 20 fees. 21 Q How much have they paid on behalf of these donors for 22 this case? 23 A I-- I don't have records in front of me. I-- it's 24 gonna be somewhere around 15, 20 thousand. 25 Q What records do you have? You said you don't have the</p>

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<p>1 records in front of you.</p> <p>2 A The billing statements from the law firm.</p> <p>3 Q During any of the years when you were allowed to carry</p> <p>4 a concealed weapon was there ever a time when you thought</p> <p>5 you might need to use it?</p> <p>6 A We had an incident once-- I don't remember what year it</p> <p>7 was, 2002, 2003-- where we-- we filed a-- I think, a couple</p> <p>8 of complaints at the sheriff's office that-- we had people</p> <p>9 on a ladder one night in the middle of the night trying to</p> <p>10 look in our girls' bedroom window. I think Preston DeBoer</p> <p>11 was a deputy sometime at one point back there where we asked</p> <p>12 him to investigate people banging on the back of the house.</p> <p>13 Then one night we had someone that was coming in the</p> <p>14 back door late at night. I kind of-- without knocking or</p> <p>15 anything. And Alex was the younger boy at that time, and we</p> <p>16 heard sound back there. He cried-- he was in the kitchen.</p> <p>17 He cried out and the door quickly slammed and they took</p> <p>18 off. We never did find out who it was. So if that was a</p> <p>19 direct threat or not, I-- I can't say, but there was enough</p> <p>20 direct harassment of that type that started to alarm us.</p> <p>21 Because I'm very, very active on pro-life issues and so</p> <p>22 forth and I've had a lot of-- there were several hate phone</p> <p>23 calls and stuff in the middle of the night so, you know,</p> <p>24 that was starting to escalate. And then the situation in</p> <p>25 Storm Lake where-- I didn't-- no, it didn't escalate to the</p>	<p>1 Q Where would you look?</p> <p>2 A In my physical file that I-- I kept these</p> <p>3 correspondence in.</p> <p>4 Q What's that file called?</p> <p>5 A I think it's called Doug Weber.</p> <p>6 Q Doug Weber file. Do you have a Dan DeKoter file?</p> <p>7 A I don't think so. I think everything under Dan DeKoter</p> <p>8 goes in the Doug Weber file.</p> <p>9 Q Do you have a-- a Hansen file? I don't remember the</p> <p>10 name of the county attorney.</p> <p>11 A Robert Hansen?</p> <p>12 Q A Robert Hansen file?</p> <p>13 A No.</p> <p>14 MR. PHILLIPS: Those are all the questions I</p> <p>15 have. Thank you.</p> <p>16 MR. FAHNLANDER: We'll read and sign.</p> <p>17 (The deposition concluded at 4:56 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 point that I felt I needed to-- to have it, but I'm looking</p> <p>2 at 25 people out there a little bit inebriated and getting</p> <p>3 themselves all wound up and I've got 15 farmers and older</p> <p>4 people and no one has cell phones, so I-- I was just-- it</p> <p>5 never came out. No one ever knew I had it, but-- it was</p> <p>6 never an issue, but I was nervous.</p> <p>7 Q Any other times when you had a permit and you thought</p> <p>8 you might have to use your weapon?</p> <p>9 A None that I can recall.</p> <p>10 MR. PHILLIPS: I have to take a break and talk to</p> <p>11 the sheriff for a minute.</p> <p>12 (Off the record from 4:48 to 4:55 p.m.)</p> <p>13 Q (BY MR. PHILLIPS) After the permit was denied in 2007</p> <p>14 did you circulate a petition asking people to sign in order</p> <p>15 to get a list of folks that you could use to help the</p> <p>16 sheriff change his mind?</p> <p>17 A I don't recall a petition. I sent a letter out asking</p> <p>18 people to do that, but there wasn't an actual-- a formal</p> <p>19 petition form that I-- that I can recall.</p> <p>20 Q Do you-- did you hear that anyone else was circulating</p> <p>21 a petition on your behalf?</p> <p>22 A No.</p> <p>23 Q Do you have copies of the letter that you sent to</p> <p>24 people?</p> <p>25 A I could go back and-- and secure it, yeah.</p>	<p>1 STATE OF IOWA) 2 COUNTY OF DICKINSON) SS CERTIFICATE 3 I, Jenna L. Mumm, Certified Shorthand Reporter and 4 Notary Public, duly qualified for the State of Iowa, do 5 hereby certify as follows: 6 1. That the witness, DIANA DIRKS, was by me first 7 duly sworn to tell the truth and that the foregoing 8 transcript, consisting of Pages 1 to 48, inclusive, is a 9 true and correct transcript of my shorthand notes made 10 during the time of the taking of the deposition of this 11 witness; 12 2. That I am not an attorney for, nor related to 13 the parties to this action and that I am in no way 14 interested in the outcome of this action; 15 3. That the original transcript of this 16 deposition is to be delivered to Mr. Douglas L. Phillips; 17 4. That a copy is to be delivered to Mr. Vincent 18 J. Fahnlander and Mr. Douglas L. Phillips; 19 DATED THIS 10th day of December, 2009. 20 21 22 23 24 25</p> <p>26 27 28 29 30</p> <p>31 32 33 34 35</p> <p>36 37 38 39 40</p> <p>41 42 43 44 45</p> <p>46 47 48 49 50</p> <p>51 52 53 54 55</p> <p>56 57 58 59 60</p> <p>61 62 63 64 65</p> <p>66 67 68 69 70</p> <p>71 72 73 74 75</p> <p>76 77 78 79 80</p> <p>81 82 83 84 85</p> <p>86 87 88 89 90</p> <p>91 92 93 94 95</p> <p>96 97 98 99 100</p> <p>101 102 103 104 105</p> <p>106 107 108 109 110</p> <p>111 112 113 114 115</p> <p>116 117 118 119 120</p> <p>121 122 123 124 125</p> <p>126 127 128 129 130</p> <p>131 132 133 134 135</p> <p>136 137 138 139 140</p> <p>141 142 143 144 145</p> <p>146 147 148 149 150</p> <p>151 152 153 154 155</p> <p>156 157 158 159 160</p> <p>161 162 163 164 165</p> <p>166 167 168 169 170</p> <p>171 172 173 174 175</p> <p>176 177 178 179 180</p> <p>181 182 183 184 185</p> <p>186 187 188 189 190</p> <p>191 192 193 194 195</p> <p>196 197 198 199 200</p> <p>201 202 203 204 205</p> <p>206 207 208 209 210</p> 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<p>396 397 398 399 400</p> <p>401 402 403 404 405</p> <p>406 407 408 409 410</p> <p>411 412 413 414 415</p> <p>416 417 418 419 420</p> <p>421 422 423 424 425</p> <p>426 427 428 429 430</p> <p>431 432 433 434 435</p> <p>436 437 438 439 440</p> <p>441 442 443 444 445</p> <p>446 447 448 449 450</p> <p>451 452 453 454 455</p> <p>456 457 458 459 460</p> <p>461 462 463 464 465</p> <p>466 467 468 469 470</p> <p>471 472 473 474 475</p> <p>476 477 478 479 480</p> <p>481 482 483 484 485</p> <p>486 487 488 489 490</p> <p>491 492 493 494 495</p> <p>496 497 498 499 500</p> <p>501 502 503 504 505</p> <p>506 507 508 509 510</p> <p>511 512 513 514 515</p> <p>516 517 518 519 520</p> <p>521 522 523 524 525</p> <p>526 527 528 529 530</p> <p>531 532 533 534 535</p> <p>536 537 538 539 540</p> <p>541 542 543 544 545</p> <p>546 547 548 549 550</p> <p>551 552 553 554 555</p> <p>556 557 558 559 560</p> <p>561 562 563 564 565</p> <p>566 567 568 569 570</p> <p>571 572 573 574 575</p> <p>576 577 578 579 580</p> <p>581 582 583 584 585</p> <p>586 587 588 589 590</p> <p>591 592 593 594 595</p> <p>596 597 598 599 600</p> <p>601 602 603 604 605</p> <p>606 607 608 609 610</p> <p>611 612 613 614 615</p> <p>616 617 618 619 620</p> <p>621 622 623 624 625</p> <p>626 627 628 629 630</p> <p>631 632 633 634 635</p> <p>636 637 638 639 640</p> <p>641 642 643 644 645</p> <p>646 647 648 649 650</p> <p>651 652 653 654 655</p> <p>656 657 658 659 660</p> <p>661 662 663 664 665</p> <p>666 667 668 669 670</p> <p>671 672 673 674 675</p> <p>676 677 678 679 680</p> <p>681 682 683 684 685</p> <p>686 687 688 689 690</p> <p>691 692 693 694 695</p> <p>696 697 698 699 700</p> <p>701 702 703 704 705</p> <p>706 707 708 709 710</p> <p>711 712 713 714 715</p> <p>716 717 718 719 720</p> <p>721 722 723 724 725</p> <p>726 727 728 729 730</p> <p>731 732 733 734 735</p> <p>736 737 738 739 740</p> <p>741 742 743 744 745</p> <p>746 747 748 749 750</p> <p>751 752 753 754 755</p> <p>756 757 758 759 760</p> <p>761 762 763 764 765</p> <p>766 767 768 769 770</p> <p>771 772 773 774 775</p> <p>776 777 778 779 780</p> <p>781 782 783 784 785</p> <p>786 787 788 789 790</p> <p>791 792 793 794 795</p> <p>796 797 798 799 800</p> <p>801 802 803 804 805</p> <p>806 807 808 809 810</p> <p>811 812 813 814 815</p> <p>816 817 818 819 820</p> <p>821 822 823 824 825</p> <p>826 827 828 829 830</p> <p>831 832 833 834 835</p> <p>836 837 838 839 840</p> <p>841 842 843 844 845</p> <p>846 847 848 849 850</p> <p>851 852 853 854 855</p> <p>856 857 858 859 860</p> <p>861 862 863 864 865</p> <p>866 867 868 869 870</p> <p>871 872 873 874 875</p> <p>876 877 878 879 880</p> <p>881 882 883 884 885</p> <p>886 887 888 889 890</p> <p>891 892 893 894 895</p> <p>896 897 898 899 900</p> <p>901 902 903 904 905</p> <p>906 907 908 909 910</p> <p>911 912 913 914 915</p> <p>916 917 918 919 920</p> <p>921 922 923 924 925</p> <p>926 927 928 929 930</p> <p>931 932 933 934 935</p> <p>936 937 938 939 940</p> <p>941 942 943 944 945</p> <p>946 947 948 949 950</p> 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